

Rules and Orders



The British North America Act

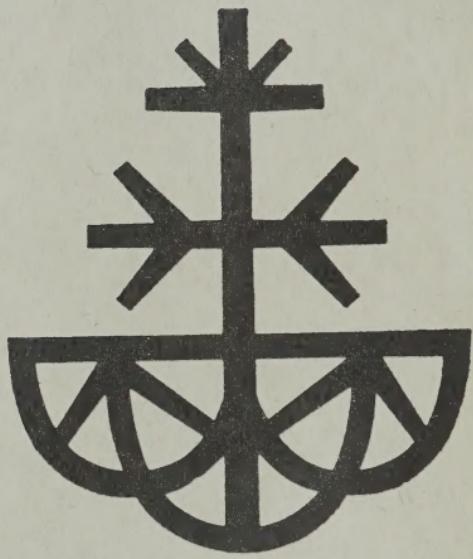
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RULES,
ORDERS, AND FORMS OF PROCEEDING

OF THE

LEGISLATIVE ASSEMBLY

OF

BRITISH COLUMBIA.

ADOPTED MARCH 10TH, 1910.



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Most Excellent Majesty.

1910.

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—o—

I.—REGULATION AND MANAGEMENT OF THE HOUSE.

1. The time for the ordinary meeting of the House shall be two o'clock in the afternoon of each day; and if at that hour there be not a Quorum, the Speaker may take the Chair and adjourn.
2. If at the hour of six o'clock, p.m., the business of the day be not concluded and no time has been agreed upon for the next sitting, the Speaker shall leave the Chair until half-past seven, or such other hour as may be agreed upon.
3. When the House rises on Friday, it shall stand adjourned, unless otherwise ordered, until the following Monday.
4. When the House adjourns the Members shall keep their seats until the Speaker has left the Chair.

Quorum.

5. The presence of at least Ten Members of the House, including the Speaker, shall be necessary to constitute a meeting of the House for the exercise of its powers. The quorum necessary for the transaction of business by the Legislative Assembly shall consist of at least Ten Members, of whom the Speaker may be one.

Adjournment
for want of
quorum.

6. Whenever the Speaker shall adjourn the House for want of a quorum, the time of the adjournment, and the names of the Members then present shall be inserted in the Journal.

Absence of
Speaker.

7. If the Speaker, from illness or other cause, does not attend a meeting of the Assembly, the Deputy Speaker shall preside at such meeting until the close of such meeting, or until the Speaker himself arrives and takes the Chair; and whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during a meeting of the Assembly, on any day, he may call on the Deputy Speaker or Chairman of Ways and Means to take the Chair and act as Speaker during the remainder of such day, unless the Speaker himself resume the Chair before the close of the sittings for that day; and every Act passed, and every Order made, and thing done by the said Assembly as aforesaid, shall be as valid and effectual to all intents and purposes as if done while the Speaker himself was presiding in the Chair.

Appointment of
Speaker *pro tem.*

8. In case of the absence, for any reason, of the Speaker from the Chair of the Assembly for a period of forty-eight consecutive hours, the Assembly may elect another of its Members to act as Speaker, and the Member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of the Speaker.

9. At the commencement of every Session or from time to time as necessity may arise, the House may appoint a Deputy Speaker and a Deputy Chairman, who shall be called the Chairman of Ways and Means. Deputy Chairman.

10. The Deputy Speaker or Deputy Chairman shall take the Chair in the House or in Committee of the Whole whenever requested so to do by Mr. Speaker without any formal communication to the House. Their duties.

11. Whenever the House is informed by the Clerk of the absence of the Deputy Speaker, the Chairman of Ways and Means shall act in place of the Deputy Speaker, and he shall, while so doing, have all the powers of the Deputy Speaker. Absence of Deputy Speaker.

12. Whenever the House shall be informed by the Clerk of the unavoidable absence of Mr. Speaker, the Deputy Speaker shall perform the duties and exercise the authority of Speaker in relation to all proceedings of the House until the next meeting of the House, and so on from day to day on the like information being given to the House, until the House shall otherwise order: Provided that if the House shall adjourn for more than twenty-four hours, the Deputy Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment. Deputy Speaker to act in absence of Speaker.

13. Any Stranger admitted into any part of the House or Gallery, who shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while the House, or any Committee of the Whole House, is sitting, shall be taken into custody by the Sergeant-at-Arms, and no person so taken into custody is to be discharged without the special order of the House. Conduct of strangers in House or gallery.

House may be cleared.

14. That if at any sitting of the House, or in Committee, any Member shall take notice that Strangers are present, Mr. Speaker or the Chairman (as the case may be) shall forthwith put the question "That Strangers be ordered to withdraw" without permitting any debate or amendment: Provided that the Speaker or Chairman may whenever he thinks fit order the withdrawal of Strangers from any part of the House.

Speaker's duties.

15. The Speaker shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the House; in explaining a point of Order or Practice, he shall state the Rule or Authority applicable to the case.

Not to join in debate.

16. The Speaker shall not take part in any debate before the House. In case of an equality of votes, the Speaker shall give a casting vote, and any reasons stated by him shall be entered in the Journals.

Address in Answer to King's Speech.

17. The stages of Committee and Report on the Address to His Majesty to convey the thanks of the House for His Majesty's most gracious Speech at the opening of the Session, shall be discontinued.

II.—RULES OF DEBATE.

Order in addressing the chair.

18. Every Member desiring to speak is to rise in his place, uncovered, and address himself to the Speaker.

Precedence when two members rise to speak.

19. When two or more Members rise to speak, the Speaker shall call upon the Member who rose first in his place; but a motion may be made that any Member who has risen "be now heard" or "do now speak."

Procedure when member "called to order."

20. A Member called to order by the Speaker shall sit down, but may afterwards explain. The

House, if appealed to, shall decide on the case, but without debate. If there be no appeal the decision of the Chair shall be final.

21. No Member shall speak disrespectfully of His Rules of debate Majesty, nor of any of the Royal Family, nor of the Governor or person administrating the Government of Canada, nor of the Lieutenant-Governor of this Province; nor shall he use offensive words against any Member of this House; nor shall he speak beside the question in debate. No Member shall reflect upon any vote of the House passed during the current session, except for the purpose of moving that such vote be rescinded.

22. Any Member may require the Question under Question may be discussion to be read at any time of the Debate, but read at any time. not so as to interrupt a Member while speaking.

23. No Member may speak twice to a Question, except in explanation of a material part of his speech, in which he may have been misconceived, but then he is not to introduce new matter. A reply is allowed to a Member who has made a Substantive Motion to the House, but not to a Member who has moved an Order of the Day, an Amendment, the Previous Question, or an instruction to a Committee, or has spoken to an Amendment to his own Motion.

May only speak once to a question.
Explanation.
Reply.

III.—CONDUCT OF MEMBERS.

24. No Member is entitled to Vote upon any question in which he has a direct pecuniary interest, and the Vote of any Member so interested shall be disallowed.

Member having pecuniary interest not to vote.

25. When the Speaker is putting a Question no Member shall walk out of or across the House, or make any noise or disturbance; and when a Member put.

Strict order to be kept while question being put.

Speaker not to
be interrupted,
except to Order.

is speaking no Member shall interrupt him, except to Order, nor pass between him and the Chair; and no Member may pass between the Chair and the Table, nor between the Chair and the Mace when the Mace has been taken off the Table by the Sergeant-at-Arms.

Enforcing order.

26. Whenever any Member shall have been named by the Speaker, or by the Chairman of a Committee of the Whole House, immediately after the commission of the offence of disregarding the authority of the Chair, or of abusing the Rules of the House by persistently and wilfully obstructing the business of the House, or otherwise, then, if the offence has been committed by such Member in the House, the Speaker shall forthwith put the question, on a motion being made, no amendment, adjournment or debate being allowed, "That such Member be suspended from the service of the House"; and, if the offence has been committed in a Committee of the Whole House, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstance to the House; and the Speaker shall, on a motion being made thereupon, put the same question, without amendment, adjournment or debate, as if the offence had been committed in the House itself.

Repetition, etc.,
in debate.

27. Mr. Speaker, or the Chairman, after having called the attention of the House, or of the Committee, to the conduct of a Member, who persists in irrelevance, or tedious repetition either of his own arguments, or of the arguments used by other Members in debate, may direct him to discontinue his speech.

Disorderly
conduct.

28. Mr. Speaker, or the Chairman, shall order Members whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of

that day's sitting; and the Sergeant-at-Arms shall act on such orders as he may receive from the Chair in pursuance of this resolution. But if, on any occasion, Mr. Speaker, or the Chairman, deems that his powers under the standing orders are inadequate, he may name such Member or Members, or he may call ^{Naming} "Member." upon the House to adjudge upon the conduct of such Member or Members :

29. Provided always, that Members who are ordered ^{Order to withdraw.} to withdraw under the standing orders, or who are suspended from the service of the House shall forthwith withdraw from the precincts of the House.

30. In the case of grave disorder arising in the House the Speaker may, if he thinks it necessary to do so, adjourn the House without question put, or suspend any sitting for a time to be named by him.

Adjournment and Counting Out.

31. When a motion is made for the adjournment of a debate, or of the House during any debate, or that the Chairman of a Committee do report progress, or do leave the Chair, the debate thereupon shall be confined to the matter of such motion ; and no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate.

32. If Mr. Speaker, or the Chairman of a Committee of the Whole House, shall be of opinion that a motion for the adjournment of a debate, or of the House, during any debate, or that the Chairman do report progress, or do leave the Chair, is an abuse of the Rules of the House, he may forthwith put the question thereupon from the Chair, or he may decline to propose the question thereupon to the House.

^{Obstruction by repeating motion.}

Adjournment on Matter of Public Importance.

Urgency.

33. No motion for the adjournment of the House shall be made until all the questions asked at the commencement of business have been disposed of, and no such motion shall be made before the Orders of the Day have been entered upon, except by leave of the House, unless a Member rising in his place shall propose to move the adjournment for the purpose of discussing a definite matter of urgent public importance, and not less than nine Members shall thereupon rise in their places to support the motion, or unless, if fewer than nine Members, and not less than six Members, shall thereupon rise in their places, the House shall, on a division, upon question put forthwith, determine whether such motion shall be made. If the motion is so supported, or the House so determines that it shall be made, it shall stand over until a time or day to be fixed by the House.

Closure of Debate."Previous
Question."

34. After a question has been proposed, a Member rising in his place may claim to move "That the question be now put," and, unless it shall appear to the Chair that such motion is an abuse of the Rules of the House, or an infringement of the rights of the minority, the question, "That the question be now put," shall be put forthwith, and decided without amendment or debate.

Do.

35. When the motion, "That the question be now put," has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the Chair as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the

Chair; and also if a clause be then under consideration, a motion may be made (the assent of the Chair as aforesaid not having been withheld), That the question, That certain words of the clause defined in the motion stand part of the clause, or, That the clause stand part of, or be added to, the Bill, be now put. Such motions shall be put forthwith, and decided without amendment or debate:

Provided always, that this Rule shall be put in force only when the Speaker is in the Chair or the Deputy Speaker is the Chairman of the Committee.

This motion can be made on an amendment or on the stages of a Bill, or to amendments to Bills in Committee of the Whole when the Deputy Speaker is in the Chair.

IV.—BUSINESS OF THE HOUSE.

Routine Business.

36. The ordinary daily routine business in the Daily routine. House shall be as follows:—

Prayers.

Presenting Petitions.

Reading and Receiving Petitions.

Presenting Reports by Standing and Select Committees.

Motions and Adjourned Debates on Motions.

Questions put by Members.

The Order of Business for the consideration of the House, day by day, after the above routine, shall be as follows:—

MONDAY AND TUESDAY.

Monday, Tues-
day.

Public Bills and Orders.

Private Bills.

Wednesday.

WEDNESDAY.

Private Bills.

Public Bills and Orders.

Thursday.

THURSDAY.

Public Bills in the hands of Private Members.

Public Bills and Orders.

Private Bills.

Friday.

FRIDAY.

Public Bills and Orders.

Private Bills.

Third readings.

37. Orders of the Day for the Third Reading of Bills shall take precedence of all other Orders relative to Bills of the same class for the same day, except Orders to which the House has previously given priority.

Bills reported from Committee of the Whole.

38. Bills reported from Committees of the Whole House, with Amendment, shall be placed on the Orders of the Day for consideration by the House next after the Third Readings of Bills of the same class.

Bills reported from Select, &c., Committees.

39. Bills reported after Second Reading from any Standing or Select Committee shall be placed on the Orders of the Day following the reception of the Report for reference to a Committee of the Whole House, in their proper order, next after Bills of the same class reported from Committees of the Whole House. Bills ordered by the House for reference to a Committee of the Whole House shall be placed for such reference on the Orders of the Day for the sitting following the Order of Reference in their proper order next after Bills of the same class reported from any Standing or Select Committee.

Bills for Committee.

40. All items standing on the Orders of the Day shall be taken up according to the precedence assigned to each on the Order Book ; the right being reserved to the Administration of placing Government Orders at the head of the list on every Order Day except Wednesday and Thursday.

41. Items not taken up when called shall be dropped. Dropped Orders shall be placed on the Orders of the Day for the next sitting, after those of the same class at a similar stage ; but notice of a Substantive Motion not taken up when called, shall be dropped from the Order Paper, but may be again introduced on two days' notice.

42. All Orders undisposed of at the adjournment of the House shall be postponed until the next sitting at which Orders of a similar class are properly taken up, without a Motion to that effect.

43. If at the time of the adjournment of the House a motion on the Orders of the Day be under consideration, that question shall stand first on the Orders of the Day for the next sitting at which Orders of a similar class are properly taken up, next after the Orders to which a special precedence has been assigned by Rule or Order of the House.

44. A Motion for reading or proceeding to the Orders of the Day shall have preference to any Motion before the House. No amendment to or debate on this motion shall be allowed.

Questions put by Members.

45. Questions may be put to Ministers of the Crown relating to Public Affairs ; and to other Members relating to any Bill, Motion or other public matter connected with the business of the House, in which

such Members may be concerned,—but in putting any such question, no argument or opinion is to be offered, nor any fact stated ; and, in answering any such Question, a Member is not to debate the matter to which the same refers, and the substance of all replies made by Ministers of the Crown to questions put to them shall be written in ink and handed to the Clerk of the House, and entered in the Journals of the Session.

Motions and Questions.

Adjournment of
House or debate.

46. A motion to adjourn the House or the debate shall always be in order ; but no subsequent motion to the same effect shall be made until after some intermediate proceedings shall have been had ; and no Member who has once moved the adjournment of a debate can make a similar motion on the same question during the same debate.

Same question
not to be put
twice.

47. A motion being once made and carried in the affirmative or negative, cannot be put again in the same Session, but must stand as a Judgment of the House : Provided always that a vote in the affirmative may be rescinded, and an Order of the House discharged, on a Motion to that effect ; but a vote in the negative can only be rescinded by proposing another question similar in its general purport to that which has been rejected, but with sufficient variance to constitute a new question ; and the Speaker, subject to an appeal to the House, will determine whether it is substantially the same question or not.

Notice of
motion, &c.

48. Two days' Notice shall be given of a Motion for leave to present a Bill, Resolution or Address, for the appointment of any Committee, or for the putting of a Question ; but this Rule shall not apply

Rescinding
votes.

to Bills after their introduction, or to Private Bills, or to the times of the Meeting or Adjournment of the House, or to a Motion to proceed to the Orders of the Day. But it shall apply to Motions for the Suspension of Standing Rules and Orders with reference to Private Bills. Such Notice to be laid on the Table before Six o'clock p. m., and to be printed in the Votes and Proceedings of that Day.

49. A motion may be made by unanimous consent of the House without previous notice. Motion without notice, by leave.

50. All Motions, except a Motion to Adjourn and the Previous Question, shall be written in ink, and seconded and signed by mover and seconder, before being debated or put from the Chair. When a Motion is seconded it shall be read by the Speaker before debate.

51. A Member who has made a Motion may withdraw the same by the consent of the House. Withdrawing motions.

52. A motion negatived in Committee of the Whole may be made again in the House.

53. A Motion to commit a Bill or Question, until decided, shall preclude all Amendment of the Main Question.

54. Whenever the Speaker is of opinion that a Motion offered to the House is contrary to the Rules and Privileges of Parliament, he shall apprise the House thereof immediately, and shall decline to put the Question, and quote the Rule or authority applicable to the case.

PRIVILEGE.

55. Whenever any Matter of Privilege arises it shall be taken into consideration immediately.

Notices to be
tabled by 6
o'clock.

Motions to be
written and
signed by mover
and seconder.

Withdrawing
motions.

Motion to com-
mit Bill.

Speaker to pre-
serve order and
decide all ques-
tions.

PROCEEDINGS ON BILLS.

Introduction of Bills.

56. Every Bill shall be introduced upon Motion for leave, specifying the Title of the Bill, or upon Motion to appoint a Committee to prepare and bring it in, neither of which Motions shall require a seconder.

Bills must be complete.

57. No Bill may be introduced either in blank or in imperfect shape.

Bills relating to trade, &c., to originate in Committee of the Whole.

58. No Bill relating to Trade, or the alteration of the laws concerning Trade, is to be brought into the House until the proposition shall have been first considered in a Committee of the Whole House, and agreed unto by the House.

Bills affecting the Constitution.

59. Any Bill affecting the Constitution must be introduced by a Member of the Government or with the sanction of the Government.

Bill negatived not to be introduced again.

60. A Bill having been negatived shall not be again introduced in the same Session.

First reading, not debatable.

61. When a Bill is presented by a Member, in pursuance of an Order of the House, the question, "That this Bill be *now* read a First time," shall be decided without amendment or debate.

Second reading after Bill printed and distributed.

62. No Bill shall be read the Second time until it has been printed and distributed, and has been subsequently marked on the Orders of the Day—thus, *PRINTED* (*Signifying that it has been printed and distributed*).

Bills amended in Committee to be re-printed.

63. When a Bill has been amended in Committee of the Whole House, or by any Select or Standing Committee, it shall be re-printed as amended; and when the Bill has been sent to be re-printed, it shall

be marked on the Orders of the Day—thus, NOT RE-PRINTED ; and shall not be further proceeded with until that mark has been removed and the word PRINTED substituted (*Signifying that the Bill has been re-printed and distributed*).

64. Every Bill shall receive three several readings, on different days, previously to being passed. After the Second Reading it shall be ordered for committal on a subsequent day. On urgent or extraordinary occasions, a Bill may be read twice or thrice, or advanced two or more stages in one day.

65. When a Bill is read in the House, the Law Clerk shall certify upon it the readings and the time thereof. After it is passed, he shall certify the same, with the date, at the head of the Bill.

66. Every Bill shall be read twice in the House before committal or amendment.

Bill to be read twice before committal.

67. In proceedings in Committee of the Whole House upon Bills, the preamble shall be first postponed, and then every clause considered by the Committee in its proper order—the preamble and title to be last considered ; but clauses postponed in Committee may be taken up at the same sitting after the other clauses have been disposed of and before the Bill has been reported to the House.

Proceedings in Committee of the Whole.

68. All amendments made in Committee shall be reported by the Chairman to the House, which shall receive the same forthwith. After Report, the Bill shall be open to debate and amendment, on a subsequent day, before it is ordered for a Third Reading. But when a Bill is reported without amendment, it is forthwith ordered to be read a Third Time, at such time as may be appointed by the House. Whenever

Amendments to be reported.

Amendments on report.

Bills returned by any Bill shall be presented to the Lieutenant-Governor for his assent thereto, he may return the same by Message for the re-consideration of the Assembly, with such amendments as he may think fitting.

Re-Committal.

69. When the Order of the Day for the Third Reading of any Bill is read, any Member desiring to re-commit the same must move to discharge the Order and to re-commit the Bill, and, upon such motion being resolved in the affirmative, the Member shall give notice of the instructions proposed to be given (if any), and such instructions shall not be taken into consideration before the next sitting of the House.

Instructions to Committee.

70. It shall be the duty of the Law Clerk of the House to revise all Bills after their First Reading, and to certify thereon that the same are correct; and in every subsequent stage of such Bills the Law Clerk shall be responsible for the correctness of Bills, should they be amended.

71. Whenever it is desired to amend a section or sub-section in either a Public or Private Act, by erasing, substituting or adding words to the said section or sub-section, the whole or a material part of the said section or sub-section be repealed and re-enacted as it is intended it should read, unless the sense of the amendment be more plainly manifested by a simple erasure, substitution or addition; and that it be the duty of the Law Clerk to alter any Bill after its introduction, so as to comply with this Rule, before the second reading thereof.

PRIVATE BILLS.

Petitions for Private Bills.

72. No petition for any Private Bill shall be received by the House after the first ten days of each Session, nor may any Private Bill be presented to the House after the first three weeks of each Session, nor

may any Report of any Standing or Select Committee upon a Private Bill be received after the first four weeks of each Session, and no Motion for the suspension or modification of this Rule shall be entertained by the House until the same has been reported on by the Committee on Standing Orders, or after reference made thereof at a previous sitting of the House to the Standing Committees charged with consideration of Private Bills, who shall report thereon to the House. And if this Rule shall be suspended or modified as aforesaid, the promoters of any Private Bill which is presented after the time hereinbefore limited, or for which the Petition has been received after the time hereinbefore limited, shall in either case pay double the fees required in respect of such Bill by this Rule, unless the House shall order to the contrary.

(1.) Any person seeking to obtain any Private Bill House fees. shall deposit with the Clerk of the House, eight clear days before the opening of the Session, a printed copy of such Bill, a copy of the Petition to be presented to the House, *together with copies of the notices published*, such publication to be proved to the satisfaction of the Clerk of the House by affidavit or declaration. At the time of depositing the Bill and Petition, the applicant shall also pay to the Clerk of the House the sum of three hundred dollars. If a copy of the Bill, Double fees. Petition and notices proved as aforesaid shall not have been so deposited in the hands of the Clerk of the House at least eight clear days before the opening of the Session, or if the Petition has not been presented to the House within the first ten days of the Session, the amount to be paid to the Clerk shall be six hundred dollars. If the Bill shall not pass the second reading one-half of the fees and charges paid shall be returned.

Incorporation fees.

(2.)	In addition to the fee of \$300 prescribed by sub-section (1) of this Rule, any person seeking to obtain a Private Bill to incorporate a company, or obtain a charter for a railway, or to increase the capital stock of a company, shall deposit with the Clerk of the House, at the time he pays the said sum of \$300, the following charges in addition to said sum, viz.:—	
(a.)	When the proposed capital stock of a company is \$50,000 or under	\$ 50
(b.)	When the proposed capital stock of a company is over \$50,000 and does not exceed \$100,000	100
(c.)	When the proposed capital stock of a company is over \$100,000 and does not exceed \$150,000	125
(d.)	When the proposed capital stock of a company is over \$150,000 and does not exceed \$200,000	150
(e.)	When the proposed capital stock of a company is over \$200,000 and does not exceed \$250,000	175
(f.)	When the proposed capital stock of a company is over \$250,000 and does not exceed \$300,000	200
(g.)	When the proposed capital stock of a company is over \$300,000 and does not exceed \$400,000	250
(h.)	When the proposed capital stock of a company is over \$400,000 and does not exceed \$500,000	275
(i.)	When the proposed capital stock of a company is over \$500,000 and does not exceed \$750,000	300
(j.)	When the proposed capital stock of a company is over \$750,000 and does not exceed \$1,000,000	400

(k.) When the proposed capital stock of a company is over \$1,000,000 and does not exceed \$1,500,000	525
(l.) When the proposed capital stock of a company is over \$1,500,000 and does not exceed \$2,000,000	650
(m.) When the proposed capital stock of a company is over \$2,000,000 and does not exceed \$2,500,000	\$775
(n.) For every additional \$500,000, or fractional part thereof	100
(3.) When a Bill is for the purpose of increasing the capital stock of a company, the additional charge shall be according to the above tariff, but shall be charged upon the amount of the increase only, but without reference to the former capital.	When capital stock increased.

(4.) If any change in the amount of the proposed capital stock of a company, or of any increase thereto, be made at any stage of a Bill, the said Bill shall not be advanced to the next stage until a certificate has been filed with the proper officer to the effect that the payment of the charges consequent upon such change has been duly made.

(5.) In this Rule the term "proposed capital stock" "Capital stock." includes any increase thereto provided for in the Bill.

73. The Clerk of the House shall, during each Recess of Parliament, publish weekly in the British Columbia Gazette Rules 75, 76, 77, 78 and 79 hereof respecting Notices of intended applications for Private Bills, and after the issue of the Proclamation convening Parliament, in such other newspapers as may be deemed advisable, the substance thereof; and shall also, immediately after the issue of said Proclamation, publish in the British Columbia Gazette, and in other newspapers, as aforesaid, until the open-

ing of Parliament, the day on which the time limited for receiving Petitions for Private Bills will expire, pursuant to the foregoing Rule; and the Clerk shall also announce, by notice affixed in the Committee Rooms and Lobbies of this House, by the first day of every Session, the time limited for receiving Petitions for Private Bills, and Private Bills, and Reports thereon.

74. Every petition to incorporate a company shall state the name of the proposed company.

Authority of
agents to be
filed.

75. Every Petition signed by an agent or attorney-in-fact shall be accompanied by the authority of such agent or attorney-in-fact, and the Petition shall not be deemed to be filed with the Clerk until this is done.

Notice of appli-
cation for Pri-
vate Bill to be
advertised.

76. All applications for Private Bills, properly the subject of legislation by the Legislative Assembly of British Columbia within the purview of "The British North America Act, 1867," whether for the erection of a bridge, the making of a railway, tramway, turnpike road, telegraph or telephone line, the construction or improvement of a harbour, canal, lock, dam, slide, or other like work; the granting of a right of ferry; the incorporation of any particular trade or calling, or of any joint stock company; or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights of property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act, shall require a notice, clearly and distinctly specifying the nature and object of the application; and, where the application refers to any proposed work, indicating generally the location of the work,

and signed by or on behalf of the applicants, such notice to be published as follows, viz. :—In the British Columbia Gazette and in one newspaper published in each Electoral District affected, or if there be no newspaper published therein, then in a newspaper in the next nearest Electoral Districts in which a newspaper is published. Such notice shall be continued in each For six weeks. case for a period of at least six weeks during the interval of time between the close of the next preceding Session and the consideration of the Petition.

77. Before any Petition praying for leave to bring in a Private Bill for the erection of a toll-bridge is received by the House, the person or persons intending to petition for such Bill shall, upon giving the notice prescribed by the preceding Rule, also at the same time and in the same manner give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a drawbridge or not, and the dimensions of the same.

78. All Private Bills for Acts of Incorporation shall be so framed as to incorporate by reference the clauses of the General Acts relating to the details to be provided for by such Bills:—Special Grounds shall be established for any proposed departure from this principle, or for the introduction of other provisions as to such details, and a note shall be appended to the Bill indicating the provisions thereof in which the General Act is proposed to be departed from. Bills which are not framed in accordance with this Rule shall be re-cast by the promoters and re-printed at their expense before any Committee passes upon the clauses.

Further particulars to be given when Bill for a toll-bridge.

Private Bills to be framed with reference to General Acts relating to same.

Petitions referred to and considered by Committee on Standing Orders.

79. Petitions for Private Bills when received by the House are, with the certificate of the Law Clerk as to their being in compliance with the Rules, to which certificate shall be attached a copy of the published notice, to be taken into consideration (without special reference) by the Committee on Standing Orders, which is to report in each case whether the Rules with regard to notice have been complied with, and in every case where the notice shall prove to have been insufficient, either as regards the Petition as a whole or any matter therein, which ought to have been specially referred to in the notice, the Committee is to recommend to the House the course to be taken in consequence of such insufficiency of notice.

Introduction of Private Bills.

80. All Private Bills are introduced on Petition and presented to the House upon a motion for leave within five days after such Petition has been favourably reported on by the Committee on Standing Orders.

81. When any Bill for confirming any Letters Patent or Agreement is presented to the House, a true copy of such Letters Patent or Agreement must be attached to it.

Style of printing.

82. All Private Bills shall be prepared by the parties applying for the same, and printed in Small Pica type, twenty-six ems by fifty ems, on good paper, in imperial octavo form, each page when folded measuring $10\frac{3}{4}$ inches by $7\frac{1}{2}$ inches. There shall be a marginal number every fifth line of each page; the numbering of the lines is not to run on through the Bill, but the lines of each page are to be numbered separately. Three hundred copies of each Bill shall be deposited with the Clerk of the House immediately before the first reading. If amendments are made to any Bill during its progress before the Committee

300 copies of the Bill to be deposited with the Clerk.

on Private Bills, or through the House, such Bill shall be reprinted by the promoters thereof.

83. The following words shall be adopted as a Model Railway Bill :—

MODEL RAILWAY BILL.

As INTRODUCED.

No. MR.

BILL.

An Act to Incorporate the

WHHEREAS a petition has been presented praying Preamble. for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the petition :

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

1.

Incorporation.

together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of

hereinafter called

“the company.”

2. The head office of the company shall be in the Head office. of , but may be changed to such other place in British Columbia as is fixed by by-law passed at an annual general meeting or at any special meeting.

3. The company may lay out, construct and operate Line of railway. a railway of the gauge of four feet eight and one-half inches, from

Capital stock.

4. The capital stock of the company shall be dollars, divided into shares of dollars each, and may be called up by the directors from time to time as they deem necessary.

First general meeting.

5. So soon as one hundred thousand dollars of the capital stock shall have been subscribed and allotted, and ten per cent. of the amount shall have been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at such time as they shall think proper, giving the notice prescribed by section 6 of this Act, at which meeting the shareholders who have paid ten per cent. on the amount of stock subscribed by them shall, from the shareholders, elect not less than five directors (of whom a majority shall form a quorum for the transaction of business), who shall hold office until others are elected.

Notice of first general meeting.

6. Public notice of the first meeting of the shareholders of the company shall be given by advertisement published for at least thirty days in the British Columbia Gazette, and in one newspaper published in the place where the head office is situate, and by a twenty days' notice in writing to each shareholder, delivered to him personally or mailed, properly directed, to him at his last known place of abode, in which notice shall be specified the place, day and hour of meeting. All such notices shall be published at least weekly, and a copy of such Gazette and newspaper containing such notice shall, on production thereof, be evidence of the sufficiency of such notice.

Provisional directors.

7. The persons named in the first section of this Act shall be and are hereby constituted provisional

directors of the company (a majority of whom shall form a quorum) with power to add to the number, but so that the directors shall not in all exceed fifteen in number. The board of directors, so constituted, shall have all the powers hereby conferred upon the directors of the company, and they shall hold office until the first election of directors under this Act.

8. The first annual general meeting of the company Annual general meetings. shall be held at such time as the directors of the company may determine, and all subsequent annual general meetings shall be held at such time as may be prescribed by the company in general meeting; and if no other time is prescribed, the annual general meeting shall be held on the third Wednesday of October in each year, at which annual general meetings a board of not less than five directors (of whom a majority shall form a quorum for the transaction of business) for the management of the company's affairs shall be elected.

9. No director shall be disqualified from holding Director not dis-qualified by holding office. office by reason of or on account of his being concerned, directly or indirectly, in any other company or association, or in any contracts with the company, or on account of his receiving any pay or remuneration from the company as such director or otherwise.

10. No failure to elect directors or to hold the first Failure to elect directors not to operate as dissolution. or any annual meeting shall operate as a dissolution of the company; but anything omitted to be done may afterwards be performed at a meeting called in conformity to the by-laws specially for the purpose.

11. The company may issue bonds, debentures or Bonding powers. other securities to the extent of dollars per mile of the railway and branches, and such bonds,

debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed :

Proviso.

Provided, however, that no such bonds, debentures or other securities shall be issued unless the directors have been authorised so to do by a resolution passed by a two-thirds majority at any general or special meeting for that purpose among others called, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company are present or are represented by proxy.

Power to pro-
mote other com-
panies.

12. The company shall have power to promote any other company or incorporation or association of persons for any purposes which may seem directly or indirectly calculated to benefit the company, and for that purpose to obtain any Act of Parliament which may seem expedient, and to oppose any proceedings or applications which may seem calculated, directly or indirectly, to prejudice the company's interests.

Pledges of stock,
etc.

13. The company may from time to time, for advances of money, pledge any stock, debentures or bonds which under the powers of this Act can be issued for the construction of the railway, or other purposes of the company hereby authorised.

Traffic arrange-
ments with other
companies.

14. The company may enter into any agreement for conveying or leasing to any other railway, steamship, transportation, telegraph or telephone company, in whole or in part, the lines of railway or branches, telegraph or telephone lines, which the company by this Act is empowered to construct and operate, or for an amalgamation with any other such company if lawfully empowered to enter into such agreement, or for forming any traffic or other arrangements with any railway, steamboat or transportation company, the whole upon such terms and conditions as may be

agreed upon by the contracting parties: Provided that each such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and provided also that each such agreement shall be assented to by the Lieutenant-Governor in Council.

- (1.) Such assent shall not be signified until after notice of the proposed application therefor has been published for thirty days in the British Columbia Gazette and also in one newspaper circulating in the district in which the railway of the company runs:
- (2.) A duplicate of each agreement referred to in this section shall, within thirty days after its execution, be filed in the office of the Provincial Secretary, and notice thereof shall be given by the company in the British Columbia Gazette, and the production of the British Columbia Gazette containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

15. The company may undertake to transmit messages for the public by its line of telegraph or telephone and collect tolls for so doing.

16. The company may carry on a general express business, either as a separate undertaking or in connection with its railway.

17. The company may acquire and hold lands by way of bonus, privilege, concession, or grant from any Government, or from any municipal or other corporation, or from any person, and may alienate, sell or dispose of the same.

Powers to acquire lands by bonus.

Stone, timber,
etc., required
for construction.

18. The company may, with the consent of the Chief Commissioner of Lands, take from any public lands adjacent to or near the line of the said railway, or branches, all stone, timber or gravel and other material which may be necessary or useful for the construction of the railway, and also may fill in upon any public lands.

Collection of
charges on goods

19. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

“B.C. Railway
Act” to apply.

20. The clauses or sections of the “British Columbia Railway Act,” and all future amendments thereto, shall apply to this company, in the same manner and to the extent as if the same had been set forth clause by clause in this Act.

Deposit to se-
cure expendi-
ture of \$10,000
on construction
before.

21. The company shall, within six months after the coming into force of this Act, deposit with the Minister of Finance and Agriculture the sum of five thousand dollars, either in cash or securities approved by said Minister, as security that the company will expend not less than ten thousand dollars in surveys or construction of the railway hereby authorised to be built, before the , and in default of such expenditure the aforesaid deposit of money or securities shall be forfeited to and become the property of the Government; and should such security not be deposited as aforesaid, or should such expenditure not be made within such time, all the rights and privileges conferred by this Act shall be null and void.

22. Any Act hereafter passed for the purpose of controlling, regulating or affecting companies incorporated by the Legislature of British Columbia with regard to any matter or thing dealt with by this Act, shall apply to the company from the time such Act goes into effect, and this section shall not be construed to imply that such Act would not apply to the company without the enactment of this section.

Future legislation to apply.

Short title.

84. Every Private Bill, when read a first time, shall, on motion, be referred to the Committee on Private Bills ; and all Petitions before the House for or against the Bill are considered as referred to such Committee. No Committee on Private Bills shall hear objections against any Private Bill unless the persons promoting the Bill shall have received three days' notice, either personally or through their Agents, of the nature of such objections, or the objections have been founded on Petition to the House ; but Petitions for or against any Private Bill may be considered by the House if presented to the House after such Bill has been reported to the House.

Bills referred after first reading to Standing Committee.

Petitions for and against the Bill referred to same Committee.

Proceedings when Bill opposed.

85. No Committee on any Private Bill, of which Notice is required to be given, is to consider the same until after five clear days' Notice of the sitting of such Committee has been first affixed in the Lobby ; such Bill having been first printed and distributed to Members. And no Motion for the suspension of this Rule shall be entertained by the House, unless after reference made thereof at a

Bill to be posted 5 days before considered by the Committee.

Suspension of this rule.

previous sitting of the House, to the Standing Committee on Private Bills, and upon Report submitted by such Committee.

Notice of posting and of meetings of the Committee to be given.

(a.) On the day of the posting of any Bill under this Rule, the Clerk of the House shall append to the Printed Votes and Proceedings of the day a Notice of such posting, and also a Notice of Meetings of any of the Standing Committees charged with the consideration of Private Bills, or Petitions therefor, that may have been appointed for the following day.

Copy of Bill, with proposed amendments, to be left with Clerk.

86. A copy of the Bill containing the Amendments proposed to be submitted to the Standing Committee shall be deposited with the Clerk of the House one clear day before the meeting of the Committee thereupon.

All persons whose interests are affected to appear before Committee when cited.

87. All persons whose interest or property may be affected by any Private Bill shall, when required so to do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such Committee. In every case, the Committee upon any Bill for incorporating a Company may require proof that the persons whose names appear in the Bill as composing the Company are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

Majority of Committee to decide all questions.

88. All Questions before Committee on Private Bills are decided by a majority of voices, including the voice of the Chairman ; and whenever the voices are equal, the Chairman has a second or casting vote.

Variance between Bill and notice to be reported.

89. It is the duty of a Select Committee to which any Private Bill may be referred by the House to call the attention of the House specially to any pro-

vision inserted in such Bill that does not appear to have been contemplated in the Notice for the same, as reported upon by the Committee on Standing Orders.

90. The Committee to which a Private Bill may have been referred shall report the same to the House in every case ; and when any material alteration has been made in the Preamble of the Bill, such alteration, and the reasons for the same, are to be stated in the Report.

91. When the Committee on any Private Bill report to the House that the Preamble of such Bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision ; and no Bill so reported upon shall be placed upon the Orders of the Day, unless by special order of the House.

(a.) Private Bills, otherwise reported to the House by such Committee, shall be placed upon the Orders of the Day following the reception of the Report, for a Second Reading in their proper order next after Bills referred to a Committee of the Whole House.

(b.) But no Private Bill which proposes to set aside, use or appropriate any Crown lands, or waters or any interest therein, shall be read a Second time until the same has been referred to a Committee of the Whole House (with the consent of the Government), and a resolution has been reported to and adopted by the House recommending the use or appropriation ; and no suspension of this rule shall be made unless two days' notice of the same shall be given, and the motion adopted by unanimous consent of the House.

Chairman to sign
copy Bill with
amendments.

92. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the Amendments are fairly written, and shall also sign with the initials of his name the several Amendments made and Clauses added in Committee.

Notice to be
given of pro-
posed amend-
ments.

93. No important Amendment may be proposed to any Private Bill, in a Committee of the Whole House, or on Report of the Bill, unless one day's notice of the same shall have been given, except the Member in charge of the Bill consents thereto.

Private Bill
Register to be
kept by the
Clerk.

94. A Book, to be called "The Private Bill Register," shall be kept by the Clerk, in which shall be entered by the Clerk the title of the Bill and all the proceedings thereon, from the Petition to the passing of the Bill ; such entry to specify briefly each proceeding in the House, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book to be open to public inspection daily, during office hours.

Clerk to post up
daily lists of
Private Bills and
Petitions to be
considered by
Committees.

95. The Clerk shall prepare, daily, lists of all Private Bills, and Petitions for such Bills, upon which any Committee is appointed to sit, specifying the time of the meeting and the room where the Committee shall sit ; and the same shall be hung up in the Lobby.

Parliamentary
Agents.

To obtain
authority from
Speaker.

96. Every Parliamentary Agent conducting proceedings before the House, shall be personally responsible to the House and to the Speaker for the observance of the Rules, Orders and Practices of Parliament, and any Rules prescribed by the Speaker, and also for the payment of all fees and charges, and

he shall not act as Parliamentary Agent until he shall have received a certificate from the Clerk, for which a fee of \$5 shall be paid.

97. Any Agent who shall wilfully act in violation of the Rules and Practice of Parliament, or of any Rules prescribed by the Speaker, or who shall wilfully misconduct himself in prosecuting any proceedings before the House, shall be liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker.

Misconduct of agents.

Committees of the Whole House.

98. In forming a Committee of the Whole House, the Speaker, before leaving the Chair, shall appoint a Chairman to preside, who shall maintain order in the Committee; and the Rules of the House shall be observed in Committee of the Whole House, so far as may be applicable, except the rule limiting the number of times of speaking and the rule requiring Amendments to be seconded.

99. Questions of order arising in Committee of the Whole House shall be decided by the Chairman, subject to an appeal to the House without the Committee rising; but disorder in a Committee can only be censured by the House on receiving a report thereof. Words used in Committee to be reported to the House must be taken down in writing.

Chairman to decide questions of order arising in Committee.

100. A motion "That the Chairman leave the Chair" shall always be in order, and shall take precedence of any other Motion.

Motion "That Chairman leave the chair" always in order.

101. When the Chairman of a Committee has been ordered to make a report to the House, he shall leave the Chair without question put.

Committee of the Whole.

102. Every Report from a Committee of the Whole House shall be brought up without any question being put.

List of Select Committees to be posted.

103. The Clerk of the House shall cause to be affixed, in some conspicuous part of the House, a list of the Several Standing and Select Committees appointed during the Session.

Standing and Select Committees.

Formation of Select Committees.

104. No Select Committee may, without leave of the House, consist of more than Five Members, and the Mover may submit the names to form the Committee, unless objected to by Five Members; if objected to, the House shall name the Committee in the following manner:—Each Member to name one, and those who have most voices, with the mover, shall form the same; but it shall be always understood that no Member who declares or decides against the principle or substance of a Bill, Resolution, or matter to be committed, can be nominated of such Committee.

Quorum.

105. Of the number of Members appointed to compose a Committee, a majority of the same shall be a Quorum, unless the House has otherwise ordered.

Reports, how made.

106. Reports from Standing and Select Committees may be made by Members standing in their places, and without proceeding to the Bar of the House. Minority Reports shall not be received.

Proceedings and voting in Committee.

107. In the proceedings before a Standing or Select Committee, the Chairman shall vote like any other Member, and if the number on a division be equal, the question shall be declared negatived.

Witnesses.

Witnesses before Committees.

108. The Clerk of the House is authorised to pay out of the Contingent Fund to Witnesses summoned to attend before any Select Committee of the House,

except in the case of Private Bills, a reasonable sum per diem, to be determined by the Speaker (the daily rate, if allowed, to be the same in all cases), during their attendance, and a reasonable allowance for travelling expenses, upon any certificate or order of the Chairman of the Committee before which such witnesses have been summoned ; but no witness shall be so paid unless a certificate shall have first been filed with the Chairman of such Committee, by some member thereof, stating that the evidence to be obtained from such witness is, in his opinion, material and important ; and no such payment shall be made in any case without the authority of the Speaker, which shall be signified by the endorsement of the Speaker upon the aforesaid certificate ; and when any witness shall have been in attendance during three days, if his presence is still further required, recourse shall again be had to the Chairman of the Committee, and so on, every three days.

Divisions.

109. On the Speaker ringing the bell for a division, *Divisions.* no further debate shall be admitted.

110. Upon a division, the Yeas and Nays shall not be entered upon the Journals unless demanded by three members. *Divisions in Committee* shall not be recorded in the Journals.

Petitions.

111. Petitions to the House shall be presented by a *Petitions.* Member in his place, who shall be answerable that they do not contain impertinent or improper matter, and shall certify the same by endorsement.

112. Every Member offering to present a Petition to the House shall endorse his name thereupon, and ^{To be endorsed by Member presenting.} confine himself to a statement of the parties from

whom it comes, the number of signatures attached to it, and the material allegations it contains. Copies of Petitions and Petitions containing blanks or alterations will not be received. Petitions may be either written or printed; provided always, that the signatures of at least three Petitioners are subscribed on the sheet containing the prayer of the Petition, except in the case of a single Petitioner or a Corporation.

Petition for
grant of public
money will not
be received.

113. No Petition can be received which prays for any expenditure, grant, or charge on the public revenue, whether payable out of the Consolidated Revenue Fund or out of moneys to be provided by the House.

Reading and
receiving.

No debate.

114. Every Petition not containing matter in breach of the privileges of the House, and which according to the rules or practice of the House can be received, shall be brought to the table by direction of the Speaker, who cannot allow any debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the table, if required; or if it complain of some present personal grievance, requiring an immediate remedy, the matter contained therein may be brought into immediate discussion.

115. Every Petition shall, except in cases of urgency, lie on the table for twenty-four hours before being read and received.

Aid and Supply.

Committee of
Supply and
Ways and Means.

116. The Committees of Supply and of Ways and Means shall be appointed on motion, without previous notice, at the commencement of every Session, as soon as an Address has been agreed to in answer to the Speech of His Honour the Lieutenant-Governor.

117. If any Motion be made in the House for any Motion for public aid. Public Aid or Charge upon the people, the consideration and debate thereof may not be presently entered upon, but shall be adjourned till such further day as the House shall think fit to appoint, and then it shall be referred to a Committee of the Whole House before any Resolution or Vote of the House do pass thereupon.

118. No Resolution leading up to the expression of an express or abstract opinion of the House recommending the Expenditure of the Public Money, shall be put from the Chair, unless recommended by the Crown.

119. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended to the House by Message of the Lieutenant-Governor in the Session in which such Vote, Resolution, Address, or Bill is proposed. Vide Section 53, Cap. 47, Consolidated Acts, 1897 (Constitution Act).

All Bills, &c.,
appropriating
public revenue
to originate by
Message.

V.—OFFICERS AND SERVANTS OF THE HOUSE.

120. It shall be the duty of all the Permanent Officers of this House to complete and finish the work remaining at the close of the Session.

121. The Clerk of the House shall be responsible for the safe keeping of all the Papers and Records of the House, and shall have the direction and control over all the Officers and Clerks employed in the offices, subject to such orders as he may from time to time receive from the Speaker or the House.

Safe keeping of
records.

Orders of the Day.

122. The Clerk of the House shall place on the Speaker's table every morning, previous to the meeting of the House, the Order of the Proceedings for the Day.

Sergeant-at-Arms.

123. The Sergeant-at-Arms attending this House shall be responsible for the safe keeping of the Mace, Furniture, and fittings thereof, and for the conduct of the Messengers and inferior Servants of the House.

Strangers.

124. No Stranger who shall have been committed by Order of the House to the custody of the Sergeant-at-Arms shall be released from such custody until he has paid a Fee of Five Dollars to the Sergeant-at-Arms.

VI.—LIBRARY.

Catalogue to be kept.

125. A proper catalogue of the books belonging to the Library shall be kept by the Librarian or person in whom the custody and responsibility thereof shall be vested, who shall report to the House, through the Speaker, at the opening of each Session, the actual state of the Library.

Report.

Use of Library during Session.

126. No person shall be entitled to resort to the Library during a Session of Parliament, except the Lieutenant-Governor, the Members of the Executive Council and Legislative Assembly, the Officers of the House, and such other persons as may receive a written order of admission from the Speaker. Members may personally introduce strangers to the Library during the day-time, but not after the hour of six o'clock p.m.

Books not to be removed during Session.

127. During a Session of Parliament, no books belonging to the Library shall be taken out of the building, except by the authority of the Speaker, or upon receipt given by a member of the House.

128. During the recess of Parliament, the Library Use of Library during recess. shall be under the charge of the Attorney-General, and access to the Library shall be permitted to persons introduced by a Member of the Legislature, or admitted at the discretion of the Attorney-General, subject to such regulations as may be deemed necessary for the security and preservation of the collection, and such others as may be authorised by the Speaker, but no such person shall be allowed to take any book out of the House.

129. During the recess of Parliament, no member Ditto. of the House shall be at liberty to borrow, or have in his possession at any one time, more than three works from the Library, or to retain the same for a longer period than one month. No books of reference or books of special cost or value may be removed from the Library under any circumstances.

130. At the first meeting of the Library Committee, in each Session of the Legislature, the Librarian shall report a list of the books absent at the commencement of the Session, specifying the names of any persons who have retained the same, in contravention of any of the foregoing Rules. Report of missing books.



ANNO TRICESIMO ET TRICESIMO-PRIMO

VICTORIAE REGINÆ.

* * * * *

CHAP. III.

An Act for the Union of Canada, Nova Scotia, ^{30 & 31 Vict.,} and New Brunswick, and the Government ^{C. 3.} thereof; and for purposes connected therewith.

[29th March, 1867.]

WHEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom :

And whereas such a Union would conduce to the welfare of the Provinces and promote the Interests of the British Empire :

And whereas on the establishment of the Union by authority of Parliament it is expedient, not only that the Constitution of the Legislative authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America :

Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

I.—PRELIMINARY.

Short Title.

1. This Act may be cited as "The British North America Act, 1867."

Application of provisions referring to the Queen.

2. The provisions of this Act referring to Her Majesty the Queen, extend also to the heirs and successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II.—UNION.

Declaration of Union.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be one Dominion under the name of Canada; and on and after that day, those three Provinces shall form and be one Dominion under that name accordingly.

Construction of subsequent provisions of Act.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect in the Queen's Proclamation; and in the same provisions, unless it is otherwise expressed

or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

5. Canada shall be divided into four Provinces, ^{Four Provinces.} named Ontario, Quebec, Nova Scotia, and New Brunswick.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec. ^{Provinces of Ontario and Quebec.}

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act. ^{Provinces of Nova Scotia and New Brunswick.}

8. In the general census of the population of Canada which is hereby required to be taken in the year One thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the four Provinces shall be distinguished. ^{Decennial Census.}

III.—EXECUTIVE POWER.

9. The Executive Government and authority of Canada is hereby declared to continue and be vested in the Queen. ^{Declaration of Executive power in the Queen.}

10. The provisions of this Act referring to the Governor-General extend and apply to the Governor-General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated. ^{Application of provisions referring to Governor-General.}

Constitution of
Privy Council
for Canada.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor-General and sworn in as Privy Councillors, and Members thereof may be from time to time removed by the Governor-General.

All powers under
Acts to be exer-
cised by Govern-
or-General with
advice of Privy
Council or alone.

12. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor-General with the advice, or with the advice and consent, of or in conjunction with the Queen's Privy Council for Canada, or any Member thereof, or by the Governor-General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

Application of
provisions refer-
ring to Govern-
or-General in
Council.

13. The provisions of this Act referring to the Governor-General in Council shall be construed as referring to the Governor-General acting by and with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor-General from time to time, to appoint any person or any persons, jointly or severally, to be his deputy or deputies within any part or parts of Canada, and in that capacity to exercise, during the pleasure of the Governor-General, such of the powers, authorities, and functions of the Governor-General, as the Governor-General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor-General himself of any power, authority, or functions.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

IV.—LEGISLATIVE POWER.

17. There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

First Session of
the Parliament
of Canada.

Yearly Session of
the Parliament
of Canada.

Number of
Senators.

Representation
of Provinces in
Senate.

Qualifications of
Senators.

19. The Parliament of Canada shall be called together not later than six months after the Union.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and the first sitting in the next Session.

The Senate.

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two Members, who shall be styled Senators.

22. In relation to the constitution of the Senate, Canada shall be deemed to consist of three divisions,—

(1.) Ontario :

(2.) Quebec :

(3.) The Maritime Provinces, Nova Scotia and New Brunswick ; which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows :—Ontario by Twenty-four Senators ; Quebec by Twenty-four Senators ; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the case of Quebec each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada.

23. The qualification of a Senator shall be as follows :—

(1.) He shall be of the full age of thirty years :

(2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen natural-

ized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union :

- (3.) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seised or possessed for his own use and benefit of lands or tenements held in franc-alleu or in roture, within the Province for which he is appointed, of the value of Four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same :
- (4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities :
- (5.) He shall be resident in the Province for which he is appointed :
- (6.) In the case of Quebec he shall have his real property qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

24. The Governor-General shall from time to time, in the Queen's name by Instrument under the Great Seal of Canada, summon qualified persons to the Senate ; and, subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

25. Such persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's

Summons of
Senator.

Summons of
First body of
Senators.

Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

Addition of
Senators in cer-
tain cases.

26. If at any time, on the recommendation of the Governor-General, the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor-General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

Reduction of
Senate to normal
number.

27. In case of such addition being at any time made the Governor-General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

Maximum num-
ber of Senators.

28. The number of Senators shall not at any time exceed seventy-eight.

Tenure of place
in Senate.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

Resignation of
place in Senate.

30. A Senator may by writing under his hand, addressed to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

Disqualification
of Senators.

31. The place of a Senator shall become vacant in any of the following cases:—

(1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate:

(2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does an act whereby he becomes a Subject or Citizen, or entitled to the rights or privileges of a Subject or Citizen of a Foreign Power:

- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter :
- (4.) If he is attainted of treason or convicted of felony or of any infamous crime :
- (5.) If he ceases to be qualified in respect of property or of residence ; provided that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate.

34. The Governor-General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Summons of
vacancy in
Senate.

Questions as to
qualifications
and vacancies in
Senate.

Appointment of
Speaker of
Senate.

Quorum of
Senate.

Voting in Senate

The House of Commons.

Constitution of
House of Com-
mons in Canada.

Summoning of
House of Com-
mons.

Senators not to
sit in House of
Commons.

Electoral Dis-
tricts of the four
Provinces.

37. The House of Commons shall, subject to the provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

38. The Governor-General shall from time to time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

39. A Senator shall not be capable of being elected or of sitting or voting as a Member of the House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia and New Brunswick, shall, for the purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts, as follows:—

1.—ONTARIO.

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

2.—QUEBEC.

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which the Lower Canada is, at the passing of this Act, divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes of Lower Canada, and the Act of the Province of Canada of the Twenty-third

year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the purposes of this Act an Electoral District entitled to return One Member.

3.—NOVA SCOTIA.

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

4.—NEW BRUNSWICK.

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union relative to the following matters or any of them, namely:—The qualifications and disqualifications of persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces; the Voters at Elections of such Members; the oaths to be taken by Voters; the Returning Officers, their powers and duties; the proceedings at Elections; the periods during which Elections may be continued; the trial of Controverted Elections, and proceedings incident thereto; the vacating of seats of Members, and the execution of new Writs in case of seats vacated otherwise than by dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces: Provided

Continuance of
existing Election
Laws until Par-
liament of Can-
ada otherwise
provides.

that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British Subject, aged Twenty-one years or upwards, being a householder, shall have a vote.

Wrists for first
Election.

42. For the first Election of Members to serve in the House of Commons, the Governor-General shall cause Wrists to be issued by such person, in such form, and addressed to such Returning Officers as he thinks fit.

The person issuing Wrists under this Section shall have the like powers as are possessed at the Union by the Officers charged with the issuing of Wrists for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Wrists are directed under this Section shall have the like powers as are possessed at the Union by the Officers charged with the returning of Wrists for the Election of Members to serve in the same respective House of Assembly or Legislative Assembly.

As to casual
Vacancies.

43. In case a vacancy in the representation in the House of Commons of any Electoral District happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

As to Election of
Speaker of House
of Commons.

44. The House of Commons on its first assembling after a General Election shall proceed with all practicable speed to elect one of its members to be Speaker.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall, with all practicable speed, proceed to elect another of its members to be Speaker.

46. The Speaker shall preside at all meetings of the House of Commons.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges, and duties of Speaker.

48. The presence of at least Twenty Members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a Member.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

50. Every House of Commons shall continue for Five Years from the day of the return of the Writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer.

51. On the completion of the census in the year One thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be re-adjusted by such authority, in such manner, and for such time, as the

As to filling up
Vacancy in office
of Speaker.

Speaker to
preside.

Provision in
case of absence
of Speaker.

Quorum of
House of Com-
mons.

Voting in House
of Commons.

Duration of
House of Com-
mons.

Decennial Re-
adjustment of
Representation.

Parliament of Canada from time to time provides, subject and according to the following rules:—

- (1.) Quebec shall have the fixed number of Sixty-five members:
- (2.) There shall be assigned to each of the other Provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained):
- (3.) In the computation of the number of Members for a Province a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a Member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number:
- (4.) On any such re-adjustment the number of Members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of Members for the Province is ascertained at the then latest census to be diminished by one-twentieth part or upwards:
- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

Increase of number of House of Commons.

52. The number of members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Province prescribed by this Act is not thereby disturbed.

Money Votes; Royal Assent.

53. Bills for appropriating any part of the Public Appropriation .
Revenue, or for imposing any tax or impost, shall and Tax Bills.
originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost, to any purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

55. Where a Bill passed by the Houses of the Royal Assent to
Parliament is presented to the Governor-General for Bills, &c.
the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's assent, or that he reserves the Bill for the signification of the Queen's pleasure.

56. Where the Governor-General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor-General, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification.

57. A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and on Bill reserved.

until within two years from the day on which it was presented to the Governor-General for the Queen's Assent, the Governor-General signifies, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, that it has received the Assent of the Queen in Council.

An entry of every such Speech, Message, or Proclamation shall be made in the Journals of each House, and a duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

V.—PROVINCIAL CONSTITUTION.

Executive Power.

Appointment of
Lieutenant-
Governors of
Provinces.

58. For each Province there shall be an Officer, styled the Lieutenant-Governor, appointed by the Governor-General in Council by Instrument under the Great Seal of Canada.

Tenure of office
of Lieutenant
Governor.

59. A Lieutenant-Governor shall hold office during the pleasure of the Governor-General; but any Lieutenant-Governor appointed after the commencement of the first Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of the Parliament.

Salaries of
Lieutenant-
Governors.

60. The Salaries of the Lieutenant-Governor shall be fixed and provided by the Parliament of Canada.

61. Every Lieutenant-Governor shall, before assuming the duties of his office, make and subscribe before the Governor-General, or some person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor-General.

62. The provisions of this Act referring to the Lieutenant-Governor extend and apply to the Lieutenant-Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant-Governor from time to time thinks fit, and in the first instance of the following Officers, namely: the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with, in Quebec, the speaker of the Legislative Council, and Solicitor-General.

64. The Constitution of the Executive Authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act.

65. All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and

Oaths, &c., of
Lieutenant-
Governor.

Application of
provisions re-
ferring to Lieu-
tenant-Governor

Appointment of
Executive Offi-
cers for Ontario
and Quebec.

Executive Gov-
ernment of Nova
Scotia and New
Brunswick.

Powers to be ex-
ercised by Lieu-
tenant-Governor
of Ontario or
Quebec with
advice or alone.

consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant-Governor of Ontario and Quebec respectively, with the advice, or with the advice and consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), to be abolished or altered by the respective Legislatures of Ontario and Quebec.

Application of provisions referring to Lieutenant-Governor in Council.

66. The provisions of this Act referring to the Lieutenant-Governor in Council shall be construed as referring to the Lieutenant-Governor of the Province acting by and with the advice of the Executive Council thereof.

Administration in absence, &c., of Lieutenant-Governor.

67. The Governor-General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant-Governor during his absence, illness, or other inability.

Seats of Provincial Governments.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

*Legislative Power.*1.—*ONTARIO.*

69. There shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of one House, styled the Legislative Assembly of Ontario.

70. The Legislative Assembly of Ontario shall be composed of Eighty-two Members, to be elected to represent the Eighty-two Electoral Districts set forth in the First Schedule to this Act.

2.—*QUEBEC.*

71. There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and of two Houses, styled the Legislative Council of Quebec and of the Legislative Assembly of Quebec.

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

75. When a vacancy happens in the Legislative Council of Quebec by resignation, death, or other-

wise, the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

Questions as to
Vacancies, &c.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

Speaker of Leg-
islative Council.

77. The Lieutenant-Governor may from time to time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

Quorum of Leg-
islative Council.

78. Until the Legislature of Quebec otherwise provides, the presence of at least ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

Voting in Legis-
lative Council.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Constitution of
Legislative
Assembly of
Quebec.

80. The Legislative Assembly of Quebec shall be composed of Sixty-five members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant-Governor of Quebec for assent any Bill for altering the limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority

of the Members representing all those Electoral Divisions or Districts, and the assent shall not be given to such Bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor stating that it has been so passed.

3.—ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union. First Session of Legislatures.

82. The Lieutenant-Governor of Ontario and of Quebec shall, from time to time, in the Queen's name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province. Summoning of Legislative Assembly.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission, or employment, permanent or temporary, at the nomination of the Lieutenant-Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Provinces, nor shall he sit or vote as such; but nothing in this Section shall make ineligible any person being a Member of the Executive Council of the respective Provinces, or holding any of the following offices, that is to say:—the offices of Attorney-General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor-General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office. Restriction on election of holders of office.

Continuance of
existing election
Laws.

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all laws which at the Union are in force in those Provinces respectively, relative to the following matters, or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which such Elections may be continued, and the trial of controverted Elections and the proceedings incident thereto, the vacating of the seats of Members and the issuing and execution of new Writs in case of seats vacated otherwise than by dissolution, shall respectively apply to Elections of Members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

Duration of Leg-
islative Assem-
blies.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the day of the return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant-Governor of the Province), and no longer.

Yearly Session of
Legislature.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene

between the last sitting of the Legislature in each Province in one Session and its first sitting in the next Session.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the Election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly. Speaker, quorum, &c.

4.—NOVA SCOTIA AND NEW BRUNSWICK.

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

Constitutions of
Legislatures of
Nova Scotia and
New Brunswick.

5.—ONTARIO, QUEBEC, AND NOVA SCOTIA.

89. Each of the Lieutenant-Governors of Ontario, First Elections. Quebec, and Nova Scotia shall cause Writs to be issued for the first Election of Members of the Legislative Assembly thereof, in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor-General directs, and so that the first Election of a Member of Assembly for any Electoral District or any subdivision thereof shall be held at the same time and at the same places as the Election for a Member to

serve in the House of Commons of Canada for that Electoral District.

6.—THE FOUR PROVINCES.

Application to
Legislatures of
provisions re-
specting money,
votes, &c.

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and tax Bills, the recommendation of money votes, the assent to Bills, the disallowance of Acts, and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant-Governor of the Province for the Governor-General, of the Governor-General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

Powers of the Parliament.

Legislative
Authority of
Parliament of
Canada.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

- (1.) The Public Debt and Property :
- (2.) The regulation of Trade and Commerce :
- (3.) The raising of money by any mode or system of Taxation :
- (4.) The borrowing of money on the Public Credit :
- (5.) Postal Service :
- (6.) The Census and Statistics :
- (7.) Militia, Military and Naval Service, and Defence :
- (8.) The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada :
- (9.) Beacons, Buoys, Lighthouses, and Sable Island :
- (10.) Navigation and Shipping :
- (11.) Quarantine and the establishment and maintenance of Marine Hospitals :
- (12.) Sea Coast and Inland Fisheries :
- (13.) Ferries between a Province and any British or Foreign Country or between two Provinces :
- (14.) Currency and Coinage :
- (15.) Banking, Incorporation of Banks, and the issue of Paper Money :
- (16.) Savings Banks :
- (17.) Weights and Measures :
- (18.) Bills of Exchange and Promissory Notes :
- (19.) Interest :
- (20.) Legal Tender :
- (21.) Bankruptcy and Insolvency :
- (22.) Patents of Invention and Discovery :
- (23.) Copyrights :
- (24.) Indians, and Lands reserved for the Indians :
- (25.) Naturalization and Aliens :
- (26.) Marriage and Divorce :
- (27.) The Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters :

- (28.) The Establishment, Maintenance, and Management of Penitentiaries :
- (29.) Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this Section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Exclusive Powers of Provincial Legislatures.

Subjects of exclusive Provincial Legislation.

92. In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say :—

- (1.) The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant-Governor :
- (2.) Direct Taxation within the Province in order to the raising of a revenue for Provincial purposes :
- (3.) The borrowing of money on the sole credit of the Province :
- (4.) The establishment and tenure of Provincial Offices, and the appointment and payment of Provincial Officers :
- (5.) The management and sale of the Public Lands belonging to the Province, and of the timber and wood thereon :
- (6.) The establishment, maintenance, and management of Public and Reformatory Prisons in and for the Province :

- (7.) The establishment, maintenance, and management of Hospitals, Asylums, Charities and Eleemosynary Institutions in and for the Provinces, other than Marine Hospitals:
- (8.) Municipal Institutions in the Province:
- (9.) Shops, Saloons, Tavern, Auctioneer, and other Licences, in order to the raising of a Revenue for Provincial, Local, or Municipal purposes:
- (10.) Local works and undertakings other than such as are of the following classes—
 - (a.) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
 - (b.) Lines of Steam Ships between the Province and any British or Foreign Country:
 - (c.) Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces.
- (11.) The Incorporation of Companies with Provincial objects:
- (12.) The Solemnization of Marriage in the Province:
- (13.) Property and civil rights in the Province:
- (14.) The Administration of Justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of Civil and of Criminal Jurisdiction and including procedure in civil matters in those Courts:
- (15.) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter

coming within any of the classes of subjects enumerated in this Section :

(16.) Generally all matters of a merely local or private nature in the Province.

Education.

Legislation respecting Education.

93. In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions :—

- (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by law in the Province at the Union :
- (2.) All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec :
- (3.) Where in any Province a system of separate or Dissentient Schools exists by law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to education :
- (4.) In case any such Provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor-General in

Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor-General in Council under this Section.

Uniformity of Laws in Ontario Nova Scotia, and New Brunswick.

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf, the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof.

Agriculture and Immigration.

95. In each Province the Legislature may make concurrent laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces, and to Immigration into

Legislation for
uniformity of
Laws in three
Provinces.

powers of Legis-
lation respecting
Agriculture, &c.

all or any of the Provinces; and any law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII.—JUDICATURE.

Appointment of
Judges.

96. The Governor-General shall appoint the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of
Judges in On-
tario, &c.

97. Until the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor-General shall be selected from the respective Bars of those Provinces.

Selection of
Judges in
Quebec.

98. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

Tenure of office
of Judges of
Superior Courts.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor-General on address of the Senate and House of Commons.

Salaries, &c., of
Judges.

100. The salaries, allowances, and pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

General Court of
Appeal, &c.

101. The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organi-

zation of a General Court of Appeal for Canada, and for the establishment of any additional Courts for the better Administration of the Laws of Canada.

VIII.—REVENUES; DEBTS; ASSETS; TAXATION.

102. All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor-General in Council until the Parliament otherwise provides.

104. The annual interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union shall form the second charge on the Consolidated Revenue Fund of Canada.

105. Unless altered by the Parliament of Canada, the salary of the Governor-General shall be Ten Thousand Pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out

Creation of Consolidated Revenue Fund.

Expenses of collection, &c.

Interest of Provincial Public Debts.

Salary of Governor-General.

of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

Appropriation
from time to
time.

106. Subject to the several payments by this Act charged on the consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the public service.

Transfer of
stocks, &c.

107. All Stocks, Bankers' Balances, and Securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union.

Transfer of
property in
schedule.

108. The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the property of Canada.

Property in
Lands, Mines,
&c.

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union and all sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Assets connected
with Provincial
debts.

110. All Assets connected with such portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province.

Canada to be
liable for Pro-
vincial debts.

111. Canada shall be liable for the Debts and Liabilities of each Province existing at the Union.

Debts of Ontario
and Quebec.

112. Ontario and Québec conjointly shall be liable to Canada for the amount (if any) by which the debt

of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

113. The Assets enumerated in the Fourth Schedule to this Act, belonging at the Union to the Province of Canada, shall be the property of Ontario and Quebec conjointly. Assets of Ontario and Quebec.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Eight million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon. Debt of Nova Scotia.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Seven million Dollars, and shall be charged with interest at the rate of five per centum per annum thereon. Debt of New Brunswick.

116. In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive, by half-yearly payments in advance from the Government of Canada, interest at five per centum per annum on the difference between the actual amounts of their respective debts and such stipulated amounts. Payment of interest to Nova Scotia and New Brunswick.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for Fortifications or for the Defence of the Country. Provincial Public property.

Grants to
Provinces.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures :—

	Dollars.
Ontario	Eighty Thousand.
Quebec	Seventy Thousand.
Nova Scotia	Sixty Thousand.
New Brunswick	Fifty Thousand.

Two Hundred and Sixty Thousand ;

and an annual grant in aid of each Province shall be made, equal to Eighty Cents per head of the population as ascertained by the census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to Four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province ; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

Further Grant to
New Brunswick.

119. New Brunswick shall receive by half-yearly payments in advance from Canada for the period of ten years from the Union an additional allowance of Sixty-three thousand Dollars per annum ; but as long as the public debt of that Province remains under Seven million Dollars, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of Sixty-three thousand Dollars.

120. All payments to be made under this Act, or Form of payment in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor-General in Council.

121. All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces. Canadian manufactures, &c.

122. The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada. Continuance of Customs and Excise Laws.

123. Where Customs Duties are, at the Union, leviable on any goods, wares, or merchandizes in any two Provinces, those goods, wares, and merchandizes may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs Duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs Duty as is leviable thereon in the Province of importation. Exportation and Importation as between two Provinces.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues. Lumber Dues in New Brunswick.

125. No Lands or Property belonging to Canada or any Province shall be liable to taxation. Exemption of Public Lands, &c.

Provincial
Consolidated
Revenue Fund.

126. Such portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all duties and Revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

IX.—MISCELLANEOUS PROVISIONS.

General.

As to Legislative
Councillors of
Provinces be-
coming Sena-
tors.

127. If any person being, at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor-General of the Province of Canada, or to the Lieutenant-Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate shall thereby vacate his Seat in such Legislative Council.

Oath of Alle-
giance, &c.

128. Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein, take and subscribe before the Governor-General or some person authorised by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall, before taking his Seat therein, take and subscribe before the Lieutenant-Governor of the Province, or some person

authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act ; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor-General, or some person authorized by him, the Declaration of Qualification contained in the same Schedule.

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made ; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act.

130. Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the Union had not been made.

131. Until the Parliament of Canada otherwise provides, the Governor-General in Council may from

Continuance of
existing Laws,
Courts, Officers,
&c.

Transfer of Offi-
cers to Canada.

Appointment of
new Officers.

time to time appoint such Officers as the Governor-General in Council deems necessary or proper for the effectual execution of this Act.

Treaty obligations.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

Use of English and French languages.

133. Either the English or French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec ; and both those languages shall be used in the respective Records and Journals of those Houses ; and either of those languages may be used by any person or in any pleading or process in or issuing from any Court of Canada, established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

Ontario and Quebec.

Appointment of Executive Officers for Ontario and Quebec.

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant-Governors of Ontario and Quebec may each appoint, under the Great Seal of the Province, the following Officers, to hold office during pleasure, that is to say,—the Attorney-General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the case of Quebec the Solicitor-General ; and may, by order of the Lieutenant-Governor in Council, from time to time pre-

scribe the duties of those Officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof; and may also appoint other and additional Officers to hold office during pleasure, and may from time to time prescribe the duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof.

135. Until the Legislature of Ontario or Quebec ^{Powers, duties, &c., of Executive Officers.} otherwise provides, all rights, powers, duties, functions, responsibilities, or authorities at the passing of this Act vested in or imposed on the Attorney-General, Solicitor-General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver-General, by any Law, Statute, or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant-Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the office of Minister of Agriculture at the passing of this Act imposed by the law of the Province of Canada, as well as those of the Commissioner of Public Works.

136. Until altered by the Lieutenant-Governor in ^{Great Seals.} Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design as those used in the Provinces of Upper Canada and Lower Canada respectively before their union as the Province of Canada.

137. The words "and from thence to the end of ^{Construction of} temporary Acts." "the then next ensuing Session of the Legislature,"

or words to the same effect, used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the subject matter of the Act is within the powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, if the subject matter of the Act is within the powers of the same as defined by this Act.

As to errors in names.

138. From and after the Union the use of the words "Upper Canada," instead of "Ontario," or "Lower Canada," instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter or Thing, shall not invalidate the same.

As to issue of Proclamations before Union, to commence after Union.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union had not been made.

As to issue of Proclamations after Union.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant-Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof ; and from and after the issue of such Proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

141. The Penitentiary of the Province of Canada Penitentiary shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

142. The division and adjustment of the Debts, Credits, Liabilities, Properties, and Assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143. The Governor-General in Council may from time to time order that such and so many of the records, books, and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the Officer having charge of the original thereof, shall be admitted as evidence.

144. The Lieutenant-Governor of Quebec may from time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

X.—INTERCOLONIAL RAILWAY.

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a declaration that the construction of the Intercolonial Rail-

Duty of Government and Parliament of Canada to make railway herein described

Arbitration respecting Debts, &c.

Division of Records.

Constitution of Townships in Quebec.

way is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada: Therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement, within Six Months after the Union, of a Railway connecting the River St. Lawrence with the City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c., into the Union.

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of Parliament of Canada to admit Rupert's Land and the North-West Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

As to representation of Newfoundland and Prince Edward Island in Senate.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of

Canada of Four Members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be Seventy-six, and their maximum number shall be Eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from Twelve to Ten Members respectively, and the representation of each of those Provinces shall not be increased at any time beyond Ten, except under the provisions of this Act for the appointment of Three or Six additional Senators under the direction of the Queen.

SCHEDULES.

THE FIRST SCHEDULE.

Electoral Districts of Ontario.
[Omitted.]

THE SECOND SCHEDULE.

Electoral Districts of Quebec specially fixed.
[Omitted.]

THE THIRD SCHEDULE.

Provincial Public Works and Property to be the Property of Canada.

1. Canals, with lands and water power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and Public Vessels.
5. Rivers and Lake Improvements.
6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies.
7. Military Roads.
8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.

THE FOURTH SCHEDULE.

Assets to be the Property of Ontario and Quebec conjointly.

[Omitted.]

THE FIFTH SCHEDULE.

Oath of Allegiance.

I, A. B., do swear that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.*

Declaration of Qualification.

I, A. B., do declare and testify, that I am by law duly qualified to be appointed a Member of the Senate of Canada [*or as the case may be*], and that I am legally or equitably seised as of Freehold for my own use and benefit of Lands or Tenements held in free and common Socage [*or seised or possessed for my own use and benefit of Lands or Tenements held in Franc-alleu or in Roture (as the case may be)*] in the Province of Nova Scotia [*or as the case may be*] of the value of Four Thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges, and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a title to or become possessed of the said Lands and Tenements, or any part thereof, for the purpose of enabling me to become a Member of the Senate of Canada [*or as the case may be*], and that my Real and Personal Property, are together worth Four Thousand Dollars over and above my Debts and Liabilities.

CHAP. 11.

An Act to make further provision with respect to the sums to be paid by Canada to the several Provinces of the Dominion.

[9th August, 1907.]

WHEREAS an address has been presented to His Majesty by the Senate and Commons of Canada in the terms set forth in the Schedule to this Act :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Payments to be made by Canada to provinces.

1. (1.) The following grants shall be made yearly by Canada to every Province, which at the commencement of this Act is a Province of the Dominion, for its local purposes and the support of its Government and Legislature :—

(a.) A fixed grant—

where the population of the Province is under one hundred and fifty thousand, of one hundred thousand dollars ;

where the population of the Province is one hundred and fifty thousand, but does not exceed two hundred thousand, of one hundred and fifty thousand dollars ;

where the population of the Province is two hundred thousand, but does not exceed four hundred thousand, of one hundred and eighty thousand dollars ;

where the population of the Province is four hundred thousand, but does not exceed eight hundred thousand, of one hundred and ninety thousand ;

where the population of the Province is eight hundred thousand, but does not exceed one million five hundred thousand, of two hundred and twenty thousand dollars ;

where the population of the Province exceeds one million five hundred thousand, of two hundred and forty thousand dollars ; and

(b.) Subject to the special provisions of this Act as to the Provinces of British Columbia and Prince Edward Island, a grant at the rate of eighty cents per head of the population of the Province up to the number of two million five hundred thousand, and at the rate of sixty cents per head of so much of the population as exceeds that number.

(2.) An additional grant of one hundred thousand dollars shall be made yearly to the Province of British Columbia for a period of ten years from the commencement of this Act.

(3.) The population of a Province shall be ascertained from time to time in the case of the Provinces of Manitoba, Saskatchewan, and Alberta respectively by the last quinquennial census or statutory estimate of population made under the Acts establishing those Provinces or any other Act of the Parliament of Canada making provision for the purpose, and in the case of any other Province by the last decennial census for the time being.

(4.) The grants payable under this Act shall be paid half-yearly in advance to each Province.

30 & 31 Vict.
c. 3.

(5.) The grants payable under this Act shall be substituted for the grants or subsidies (in this Act referred to as existing grants) payable for the like purposes at the commencement of this Act to the several Provinces of the Dominion under the provisions of section one hundred and eighteen of the British North America Act, 1867, or of any Order in Council establishing a Province, or of any Act of the Parliament of Canada containing directions for the payment of any such grant or subsidy, and those provisions shall cease to have effect.

(6.) The Government of Canada shall have the same power of deducting sums charged against a Province on account of the interest on public debt in the case of the grant payable under this Act to the Province as they have in the case of the existing grant.

(7.) Nothing in this Act shall affect the obligation of the Government of Canada to pay to any Province any grant which is payable to that Province, other than the existing grant for which the grant under this Act is substituted.

(8.) In the case of the Provinces of British Columbia and Prince Edward Island, the amount paid on account of the grant payable per head of the population to the Provinces under this Act shall not at any time be less than the amount of the corresponding grant payable at the commencement of this Act ; and if it is found on any decennial census that the population of the Province has decreased since the last decennial census, the amount paid on account of the grant shall not be decreased below the amount then payable, notwithstanding the decrease of the population.

2. This Act may be cited as the British North Short title and interpretation. America Act, 1907, and shall take effect as from the first day of July, nineteen hundred and seven.

SCHEDULE.

TO THE KING'S MOST EXCELLENT MAJESTY :
MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty for the purpose of representing that it is expedient to amend the scale of payments authorised under section 118 of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, commonly called the British North America Act, 1867, or by or under any terms or conditions upon which any other provinces were admitted to the Union, to be made by Canada to the several provinces of the Dominion for the support of their Governments and Legislatures by providing that—

A. Instead of the amounts now payable, the sums hereafter payable yearly by Canada to the several provinces for the support of their Governments and Legislatures be according to population, and as follows :—

- (a) Where the population of the province is under 150,000, \$100,000 ;
- (b) Where the population of the province is 150,000, but does not exceed 200,000, \$150,000.

- (c) Where the population of the province is 200,000, but does not exceed 400,000, \$180,000;
- (d) Where the population of the province is 400,000, but does not exceed 800,000, \$190,000.
- (e) Where the population of the province is 800,000 but does not exceed 1,500,000, \$220,000
- (f) Where the population of the province exceeds 1,500,000, \$240,000.

B. Instead of an annual grant per head of population now allowed, the annual payment hereafter be at the same rate of eighty cents per head, but on the population of each province, as ascertained from time to time by the last decennial census, or in the case of the provinces of Manitoba, Saskatchewan, and Alberta respectively, by the last quinquennial census or statutory estimate, until such population exceeds 2,500,000, and at the rate of sixty cents per head for so much of said population as may exceed 2,500,000.

C. An annual allowance to the extent of one hundred thousand dollars annually be paid for ten years to the province of British Columbia.

D. Nothing herein contained shall in any way supersede or affect the terms special to any particular province upon which such province became part of the Dominion of Canada, or the right of any province to the payment of any special grant heretofore made by the Parliament of Canada to any province for any special purpose in such grant expressed.

WE pray that Your Majesty may be graciously pleased to cause a measure to be laid before the Imperial Parliament at its present Session repealing

the provisions of section 118 of the British North America Act, 1867 aforesaid, and substituting therefor the scale of payments above set forth, which shall be a final and unalterable settlement of the amounts to be paid yearly to the several provinces of the Dominion for their local purposes, and the support of their Governments and Legislatures.

Such grants shall be paid half-yearly in advance to each province, but the Government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in the said Act.

All of which we humbly pray Your Majesty to take into your favourable and gracious consideration.

(Signed) R. DANDURAND,
Speaker of the Senate.

(Signed) R. F. SUTHERLAND,
Speaker of the House of Commons.

Senate and House of Commons,
Ottawa, Canada,
26th April, 1907.

TERMS AND CONDITIONS

UNDER WHICH THE

COLONY OF BRITISH COLUMBIA

ENTERED INTO UNION

WITH THE

DOMINION OF CANADA



AT THE COURT AT WINDSOR,

The 16th day of May, 1871.

PRESENT :

The QUEEN's Most Excellent Majesty,
His Royal Highness Prince ARTHUR,
Lord Privy Seal, Lord Chamberlin,
Earl Cowper, Mr. Secretary Cardwell,
Earl of Kimberley, Mr. Ayrton.

WHEREAS by the "British North America Act, Preamble. 1867," provision was made for the Union of the Provinces of Canada, Nova Scotia, and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of British Columbia, to admit that Colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada and from the Legislative Council of British Columbia respectively, of which Addresses copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit British Columbia into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions. It is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, that from and after the twentieth day of July, one thousand eight hundred and seventy-one, the said Colony of British Columbia shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses. And, in accordance with the terms of the said Addresses relating to the Electoral Districts in British Columbia for which the first election of members to serve in the House of Commons of the said Dominion shall take place, it is hereby further ordered and declared that such Electoral Districts shall be as follows:

“New Westmin-
ster District.”

“New Westminster District” and the “Coast District,” as defined in a public notice issued from the Lands and Works Office in the said Colony on the fifteenth day of December, one thousand eight hundred and sixty-nine, by the desire of the Governor, and purporting to be in accordance with the provisions of the thirty-ninth clause of the “Mineral Ordinance, 1869,” shall

constitute one district, to be designated "New Westminster District," and return one member.

"Cariboo District" and "Lillooet," as specified in the said public notice, shall constitute one district, to be designated "Cariboo District," and return one member.

"Yale District" and Kootenay District," as specified in the said public notice, shall constitute one district, to be designated "Yale District," and return one member.

Those portions of Vancouver Island known as "Victoria District," "Esquimalt District," and "Metchosin District," as defined in the official maps of those districts which are in the Land Office, Victoria, and are designated respectively "Victoria District Official Map, 1858," "Esquimalt District Official Map, 1858," and "Metchosin District Official Map, A. D. 1858," shall constitute one district, to be designated "Victoria District," and return two members.

All the remainder of Vancouver Island, and all such islands adjacent thereto as were formerly dependencies of the late colony of Vancouver Island, shall constitute one district, to be designated "Vancouver Island District," and return one member.

And the Right Honourable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

THE TERMS OF UNION.

—o—

Canada liable for existing debts.

1. Canada shall be liable for the debts and liabilities of British Columbia existing at the time of the Union.

Province to receive interest on difference between its actual debt and that of other Provinces.

2. British Columbia not having incurred debts equal to those of the other Provinces now constituting the Dominion, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference between the actual amount of its indebtedness at the date of the Union and the indebtedness per head of the population of Nova Scotia and New Brunswick (27.77 dollars), the population of British Columbia being taken at 60,000.

Annual Subsidy.

3. The following sums shall be paid by Canada to British Columbia for the support of its Government and Legislature, to wit, an annual subsidy of 35,000 dollars, and an annual grant equal to 80 cents per head of the said population of 60,000, both half-yearly in advance; such grant of 80 cents per head to be augmented in proportion to the increase in population, as may be shown by each subsequent decennial census, until the population amounts to 400,000, at which rate such grant shall thereafter remain, it being understood that the first census be taken in the year 1881.

Mail service.

4. The Dominion will provide an efficient mail service, fortnightly, by steam communication, between Victoria and San Francisco, and twice a week between Victoria and Olympia; the vessels to be adapted for the convenience of freight and passengers.

5. Canada will assume and defray the charge for the following services :—

Canada to assume following charges :—

- A. Salary of the Lieutenant-Governor ;
- B. Salaries and allowances of the Judges of the Superior Courts and the County or District Courts ;
- C. The charges in respect to the Department of Customs ;
- D. The Postal and Telegraphic Services ;
- E. Protection and encouragement of Fisheries ;
- F. Provision for the Militia ;
- G. Lighthouses, Buoys, and Beacons, Shipwrecked crews, Quarantine and Marine Hospitals, including a Marine Hospital at Victoria ;
- H. The Geological Survey ;
- I. The Penitentiary.

And such further charges as may be incident to and connected with the services which, by the "British North America Act of 1867," appertain to the General Government, and as are or may be allowed to the other Provinces.

6. Suitable pensions, such as shall be approved of by Her Majesty's Government, shall be provided by the Government of the Dominion for those of Her Majesty's servants in the Colony whose position and emoluments derived therefrom would be affected by political changes on the admission of British Columbia into the Dominion of Canada.

Pensions to certain officers.

7. It is agreed that the existing Customs Tariff and Excise Duties shall continue in force in British Columbia until the Railway from the Pacific Coast and the system of Railways in Canada are connected, unless the Legislature of British Columbia should

Customs and Excise Duties.

sooner decide to accept the tariff and excise laws of Canada. When customs and excise duties are, at the time of the union of British Columbia with Canada, leviable on any goods, wares, or merchandises in British Columbia, or in the other Provinces of the Dominion, those goods, wares, and merchandises may, from and after the Union, be imported into British Columbia from the Provinces now composing the Dominion, or from either of those Provinces into British Columbia, on proof of payment of the customs or excise duties leviable thereon in the Province of exportation, and on payment of such further amount (if any) of customs or excise duties as are leviable thereon in the Province of importation. This arrangement to have no force or effect after the assimilation of the tariff and excise duties of British Columbia with those of the Dominion.

Representation
in Senate and
House of Com-
mons.

Naval Station at
Esquimalt.

B. N. A. Act to
apply to B. C.

8. British Columbia shall be entitled to be represented in the Senate by three members, and by six members in the House of Commons. The representation to be increased under the provisions of the "British North America Act, 1867."

9. The influence of the Dominion Government will be used to secure the continued maintenance of the Naval Station at Esquimalt.

10. The provisions of the "British North America Act, 1867," shall (except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to and only affect one and not the whole of the Provinces now comprising the Dominion, and except so far as the same may be varied by this Minute) be applicable to British Columbia, in the same way and to the like intent as they apply to the other Provinces of the Dominion, and as if the Colony of British Columbia

had been one of the Provinces originally united by the said Act.

11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the Union, of the construction of a Railway from the Pacific towards the Rocky Mountains, and from such point as may be selected, east of the Rocky Mountains, towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada; and further, to secure the completion of such Railway within ten years from the date of the Union.

Construction of Railway across continent.

And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion Government may deem advisable in the furtherance of the construction of the said Railway, a similar extent of public lands along the line of Railway, throughout its entire length in British Columbia, not to exceed, however, Twenty (20) Miles on each side of said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North-West Territories and the Province of Manitoba. Provided, that the quantity of land which may be held under pre-emption right or by Crown grant within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands; and, provided further, that until the commencement, within two years, as aforesaid, from the date of the Union, of the construction of the said Railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In

Railway belt to be conveyed to Dominion Government.

consideration of the land to be so conveyed in aid of the construction of the said Railway, the Dominion Government agree to pay to British Columbia, from the date of the Union, the sum of 100,000 Dollars per annum, in half-yearly payments in advance.

Graving Dock at Esquimalt.

12. The Dominion Government shall guarantee the interest for ten years from the date of the completion of the works, at the rate of five per centum per annum, on such sum, not exceeding £100,000 sterling, as may be required for the construction of a first-class Graving Dock at Esquimalt.

Dominion Government to assume charge of Indians.

13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of lands to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies.

Constitution of Executive authority.

14. The constitution of the Executive Authority and of the Legislature of British Columbia shall, subject to the provisions of the "British North America Act, 1867," continue as existing at the time of the Union until altered under the authority of the said Act, it being at the same time understood that

the Government of the Dominion will readily consent to the introduction of Responsible Government when desired by the inhabitants of British Columbia, and it being likewise understood that it is the intention of the Governor of British Columbia under the authority of the Secretary of State for the Colonies, to amend the existing constitution of the Legislature by providing that a majority of its members shall be elective.

The Union shall take effect according to the fore-
going terms and conditions on such day as Her
Majesty, by and with the advice of Her Most
Honourable Privy Council, may appoint, on Ad-
dresses from the Legislature of the Colony of British
Columbia and of the Houses of Parliament of Canada,
in the terms of the 146th Section of the "British
North America Act, 1867," and British Columbia
may in its Address specify the Electoral Districts for
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When Union to
take effect.

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